

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3078
)	
v.)	
)	
BRANDON LAMARR SMITH-)	NUNC PRO TUNC ORDER APPOINTING
CUSHINGBERRY,)	COUNSEL
)	
Defendants.)	
_____)	

On November 25, 2009, the government filed its Motion to Reduce Sentence Pursuant to Rule 35(b) and Request for Hearing. My sealed order, filing 142, granting the request for hearing and ordering counsel to provide certain information implies that counsel for the defendant is to continue his representation of the defendant but a more specific designation has been requested.

IT THEREFORE IS ORDERED NUNC PRO TUNC that:

1. counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35 (b) motion effective November 25, 2009; and
2. the Federal Public Defender shall provide CJA counsel with a new voucher.

Dated February 10, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge